

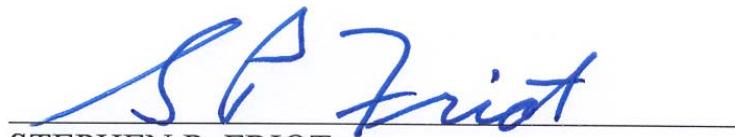
**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TOM DEWITT,)
)
Petitioner,)
)
vs.) Case No. CIV-06-0557-F
)
JUSTIN JONES,)
)
Defendant.)

ORDER

Magistrate Judge Bana Roberts' Report and Recommendation, filed May 23, 2006, is before the court. (Doc. no. 5.) The Report recommends dismissal of this action without prejudice unless petitioner pays the \$5 filing fee within twenty days of any order from this court adopting the rulings suggested by the Magistrate Judge in her Report. The court **ACCEPTS, ADOPTS, and AFFIRMS** the Magistrate's Report and Recommendation. However, the court further finds that on June 5, 2006, petitioner paid the \$5 filing fee so that the issue which the Report addresses is now moot. (See doc. no. 6 regarding receipt of payment.) Accordingly, petitioner's Application to Proceed In Forma Pauperis, filed May 22, 2006 (doc. no. 2) is **STRICKEN AS MOOT**, and no further action remains to be taken with respect to this issue. This action remains referred to the Magistrate Judge.

Dated this 7th day of June, 2006.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE